VERIFIED Validate

Notice of Adoption

Financial Services, Department of
(SUBMITTING AGENCY)

[x] This adoption will amend the NYCRR.
[ ] This adoption will not amend the NYCRR.

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1. *Action taken:*

Amendment of Section 400.11 of 3 NYCRR

[ ] "X" box if the rule was originally proposed as a consensus rule making.

2. *Effective date of rule:*

[x] Date this notice is published in the *State Register*.

[ ] This is a "rate making" as defined in SAPA §102(2)(a)(ii), and, is effective as follows:

[ ] Date of filing.

[ ] Other date (*specify*): _____

[ ] Other date (*specify*): _____

[ ] ____ days after filing.

3. *Statutory authority under which the rule was adopted:*

Banking Law Sections 10, 14, 371, and 372, and Financial Services Law Sections 102, 201, 202, 301, and 302

4. *Subject of the rule:*

Licensed Cashers of Checks; Fees

5. *Purpose of the rule:*

To increase the maximum fee that may be charged by licensed check cashers

6. *Terms and identification of rule* :

A. I.D. No. of original notice of **proposed** or **emergency/proposed** rule making: DFS-39-19-00002 - P

B. Comparison of the proposed rule to the adopted rule (CHECK ALL THAT APPLY):

[ ] No changes were made to the proposed rule.

● *Text/Summary does not need to be republished in the State Register. If the last previously published RIS, RFA, RAFA or JIS remain adequate and do not require correction, SKIP ITEMS 9-12 and do NOT attach any such statements. If any of the most recently published statements were deemed inadequate or required correction, complete Item 9, 10, 11, or 12 as applicable, do NOT attach previously published statements. Be sure to complete C (if applicable), and D, as well as remaining Items 7-8 and 13-14.*

[x] Nonsubstantive changes were made in [Parts, sections, subdivisions or paragraphs]:

400.11(a)(1)

● *Text/Summary is required to be republished in the State Register. Attach the original of the text as adopted (if proposed as full text, submit full text; if proposed as a summary, submit a summary) typed in scannable format. Do not skip Items 9-12; revised statements or explanatory statements are required.*

[x] Text attached.

[ ] Summary attached.

[ ] This is a "rate making" as defined in SAPA §102(2)(a)(ii) and, pursuant to SAPA §202(7)(b), the agency elected to submit an original copy of a description of the substance. Substantial revisions were made in the following Parts, sections, subdivisions or paragraphs:

C. List the publication date and I.D. No. of any previously published notice(s) of **revised** rule making:

Publication date: _____ , I.D. No. _____ - _____

Publication date: _____ , I.D. No. _____ - _____

D. Signed certification of adoption and full text of the rule are attached:

[x] Signed certification of adoption (scanned pdf).

[ ] Full text of the rule (MS Word).

7. *The text of the final rule and any required statements and analyses may be obtained from:*

Agency contact George Bogdan

Agency name New York State Department of Financial Services

Office address 1 State Street, 20 th Floor

New York, New York 10004

Telephone (212) 480-4758 *E-mail:* George.Bogdan@dfs.ny.gov

8. *Additional matter required by statute:*

[ ] Yes (include below material required by statute).

[x] No additional material required by statute.

9. ***Revised Regulatory Impact Statement (RIS)***

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached Revised RIS contains:

[ ] The full text of the Revised RIS.

[ ] A summary of the Revised RIS.

B. A **statement is attached** explaining why a revised RIS is not required (check one box):

[x] Changes made to the last published rule do not necessitate revision to the previously published RIS.

[ ] This is a technical amendment exempt from SAPA §202-a.

C. [ ] A revised RIS is **not** attached because this rule is a "rate making" as defined in SAPA §102(2)(a)(ii).

[ ] A revised RIS is **not** attached because this rule was proposed as a consensus rule as defined in SAPA

10. ***Revised Regulatory Flexibility Analysis (RFA) for small businesses and local governments***
(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached Revised RFA contains:

[ ] The full text of the Revised RFA.

[ ] A summary of the Revised RFA.

B. A **statement is attached** explaining why a revised RFA is not required (check one box):

[X] Changes made to the last published rule do not necessitate revision to the previously published RFA.

[ ] The changes will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments. The attached statement sets forth this agency's findings and the reason(s) upon which the findings were made, including what measures were used to determine those findings.

C. [ ] A revised RFA is **not** attached because this rule is a "rate making" as defined in SAPA §102(2)(a)(ii).

[ ] A revised RFA is **not** attached because this rule was proposed as a consensus rule as defined in SAPA §102(11).

11. ***Revised Rural Area Flexibility Analysis (RAFA)***
(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached Revised RAFA contains:

[ ] The full text of the Revised RAFA.

[ ] A summary of the Revised RAFA.

B. A **statement is attached** explaining why a revised RAFA is not required (check one box):

[X] Changes made to the last published rule do not necessitate revision to the previously published RAFA.

[ ] The changes will not impose any adverse impact or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. The attached statement sets forth this agency's findings and the reason(s) upon which the findings were made, including what measures were used to determine those findings.

C. [ ] A revised RAFA is not attached because this rule is a "rate making" as defined in SAPA §102(2)(a)(ii).

[ ] A revised RAFA is **not** attached because this rule was proposed as a consensus rule as defined in SAPA §102(11).

12. ***Revised Job Impact Statement (JIS)***
(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached Revised JIS contains:

[ ] The full text of the Revised JIS.

[ ] A summary of the Revised JIS.

B. A **statement is attached** explaining why a revised JIS is not required (check one box):

[X] Changes made to the last published rule do not necessitate revision to the previously published JIS.

[ ] The changes will not impose a substantial impact on jobs and employment opportunities. The attached statement sets forth this agency's findings that the rule will have a positive impact or no impact on jobs and employment opportunities; except when it is evident from the subject matter of the rule that it could only have a positive impact or no impact on jobs and employment opportunities, the statement shall include a summary of the information and methodology underlying that determination.

C. A revised JIS is **not** attached because:

[ ] This rule is a "rate making" as defined in SAPA §102(2)(a)(ii).

[ ] This rule was proposed by the State Comptroller or Attorney General.

13. ***Assessment of Public Comment*** *(includes legislative comments)*
(COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS):

[x] Attached is an assessment of public comment.
No particular form is required, and it need **only** include comments not addressed in any previously published assessment for this rule. However, the assessment must be based on any written comments received by the agency or any comments presented at any public hearing held by the agency about this rule (include legislative comment). It must contain a summary and an analysis of the issues raised and significant alternatives suggested, a statement of the reason(s) why any significant alternatives were not incorporated, and a description of any changes made as a result of such comments.

[ ] An assessment is not attached because no comments were received.

[ ] An assessment is not required because this action is for a "rate making" as defined in SAPA §102(2)(a)(ii).

14. *Referenced material (check one box):*

[x] No information is being incorporated by reference in this rule.

[ ] This rule contains referenced material in the following Parts, sections, subdivisions or paragraphs:

15. ***Initial Review of Rule*** (SAPA §207)

(SELECT AND COMPLETE ONE)

A. [x] As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2022, which is no later than the 3rd year after the year in which this rule is being adopted.

B. [ ] As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year _____ which is the 4th or 5th year after the year in which this rule is being adopted. This review period, justification for proposing same, and invitation for public comment thereon, were contained in a RFA, RAFA or JIS:

Attached is an assessment of public comment on the issue of the 4 or 5-year initial review period; or

An assessment of public comment on the 4 or 5-year initial review period is not attached because no comments were received on the issue.

C. [ ] As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year _____ which is no later than the 5th year after the year in which this rule is being adopted.

D. [ ] Not Applicable. This is a "rate making" or a "consensus rule," or a repeal of a rule.

AGENCY CERTIFICATION (To be completed by the person who PREPARED the notice)

I have reviewed this form and the information submitted with it. The information contained in this notice is correct to the best of my knowledge.

I have reviewed Article 2 of SAPA and Parts 260 through 263 of 19 NYCRR, and I hereby certify that this notice complies with all applicable provisions.

Name George Bogdan

Address New York State Department of Financial Services, One State Street, New York, NY 10004

Telephone (212) 480-4758 *E-mail* George.Bogdan@dfs.ny.gov

Date 12/03/2019

Reset Form

Please read before submitting this notice:

1. Except for this form itself, all text must be typed in the prescribed format as described in the Department of State's *Register* procedures manual, *Rule Making in New York*.
2. Rule making notices, with any necessary attachments (in MS Word unless otherwise specified), should be e-filed via the Department of State website.